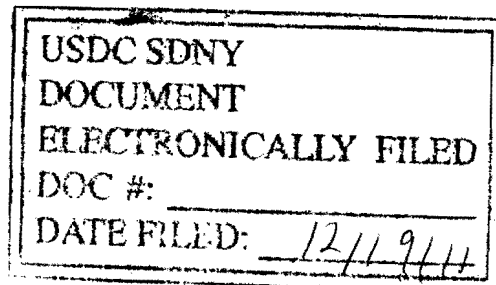


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

- against -

EBRIMA JOBARTEH,

Defendant.

ORDER

09 CR 699-06 (SAS)

SHIRA A. SCHEINDLIN, U.S.D.J.:

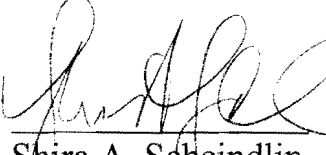
The above-named defendant may be eligible for re-sentencing pursuant to 18 U.S.C. § 3582(c)(2), as a result of The Fair Sentencing Act of 2010, Pub. L. No. 111-120, 124 Stat. 2372 (2010), which retroactively amended the United States Sentencing Guidelines (the "Guidelines") for offenses involving "crack" cocaine. *See* Amendment 750 in Appendix C of the Guidelines. This Court will therefore reconsider defendant's sentence in light of these amendments.

Accordingly, the attorney previously appointed under the Criminal Justice Act ("CJA") to represent the defendant, Bobbi C. Sternheim, is hereby re-appointed, under the CJA and in the interest of justice, for purposes of this reconsideration.

No submissions are required if the Government and defense counsel (the "parties") agree on defendant's ineligibility for a further reduction in sentence. For those defendants who are ineligible, a conference will not be scheduled.

Rather, this Court will issue an Order, *sua sponte*, denying the motion for sentence reduction. Where the parties agree on defendant's eligibility for further reduction, they should call my clerk Jim Reily, at (212) 805-0120, to schedule the re-sentencing and any submissions. Where the parties disagree on defendant's eligibility, each party may submit a ten-page, double-spaced letter-brief explaining the disputed issues. After this Court reviews the parties submissions, a conference may be scheduled to discuss defendant's eligibility for re-sentencing and to re-sentence the defendant, if appropriate.

SO ORDERED:

  
Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
December 16, 2011

**- Appearances -**

**For the Defendant:**

Bobbi C. Sternheim, Esq.  
156 Fifth Avenue, Suite 823  
New York, NY 10010  
(212) 243-1100

**For the Government:**

Jessica A. Masella  
Parvin D. Moyne  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2288/2510